

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

FREDDIE JONES, LUKE JONES,)
TRENNA JONES, RALPH JONES, LAVON)
JONES, and JIMMY FREEMAN, as)
Surviving Children of ELNORA JONES,)
Deceased,)

Plaintiffs,)

vs.)

ABBOTT LABORATORIES,)

Defendant.)

Case No. 2:07-cv-02120-WGY-tmp

ORAL ARGUMENT REQUESTED

JURY DEMAND

**DECLARATION OF ANDREW P. BAUTISTA IN SUPPORT OF DEFENDANT'S
RESPONSE TO PLAINTIFFS' STATEMENT OF UNDISPUTED MATERIAL FACTS**

I, Andrew P. Bautista, declare:

1. I am a member in good standing of the State Bar of Illinois and am admitted to practice *pro hac vice* before the Western District of Tennessee in the above-styled cause. I am a partner in the Chicago office of the law firm Kirkland & Ellis LLP and represent defendant Abbott Laboratories. I have personal knowledge of the facts set forth in this declaration, and if called to testify, I could and would be able to testify competently thereto.

2. A true and correct copy of the September 22, 2004 Clinical Study Agreement between Abbott Laboratories and R. Franklin Adams, M.D. is attached hereto as Exhibit 1 (filed under seal).

3. A true and correct copy of the January 21, 2005 letter from the Food and Drug Administration, Division of Drug Marketing, Advertising, and Communications to Abbott Laboratories is attached hereto as Exhibit 2 (filed under seal).

4. A true and correct copy of the May 17, 2006 Remicade label is attached hereto as Exhibit 3.

5. A true and correct copy of the February 21, 2012 Order filed in *Johnson v. Total Renal Care, Inc.*, No. 1:11-cv-01047-JDB-egb is attached hereto as Exhibit 4.

6. A true and correct copy of pages 257-258 of the August 24, 2011 deposition of Dr. R. Franklin Adams taken in this matter is attached hereto as Exhibit 5.

7. A true and correct copy of the March 29, 2004 letter from the Food and Drug Administration, Division of Drug Marketing, Advertising, and Communications to Abbott Laboratories is attached hereto as Exhibit 6 (filed under seal).

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I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 10th day of August, 2012 in Chicago, Illinois.

/s/ Andrew P. Bautista

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